

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JENNY BOWELL, *et al.*,

Plaintiffs,

Case No. 3:16-cv-52

vs.

MOWERY CONSTRUCTION, INC, *et al.*,

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 14)

The Court has reviewed the Report and Recommendation of Magistrate Judge Michael J. Newman (Doc. 14), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendation.

Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (Doc. 14) is **ADOPTED** in full; (2) Defendant Haas Cabinet Company, Inc.'s motion for partial judgment on the pleadings (doc. 10) is **GRANTED IN PART AND DENIED IN PART**; (3) Plaintiffs' OCSA claims based upon failure to repair a defect covered by warranty remain pending; (4) Plaintiffs' OCSA claims based upon Haas's failure to maintain a statutory agent in Ohio are **DISMISSED**; (5) Plaintiffs' claims under Ohio Rev. Code § 4722.01, Ohio Admin. Code § 109:4-3-05, and for fraud and deceit are **DISMISSED**; and (6) Plaintiffs' claims for breach of contract and/or breach of an implied-in-fact contract are **DISMISSED**.

IT IS SO ORDERED.

Date: November 30, 2016

*s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge